

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: BRIAN E. SMELTZ

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

vs.

BRIAN E. SMELTZ

Respondent(s)

CASE NO: 1-17-02472-RNO

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on March 19, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney James K. Jones, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on November 28, 2017.
2. A Confirmation hearing was held and an Order was entered on January 10, 2018 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ James K. Jones, Esq.

Id: 39031

Attorney for Trustee  
Charles J. DeHart, III  
Standing Chapter 13 Trustee  
Ste. A, 8125 Adams Drive  
Hummelstown, PA 17036  
Ph. 717-566-6097  
Fax. 717-566-8313  
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CHAPTER 13 TRUSTEE  
Movant

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**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Ronald Reagan Federal Bldg Bankruptcy Courtroom, 3rd Floor 228 Walnut Street Harrisburg, PA 17101	Date: April 11, 2017  Time: 10:00 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: March 19, 2018

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN        BRIAN E. SMELTZ  
RE:

CHAPTER 13

CASE NO: 1-17-02472-RNO

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

**CERTIFICATE OF SERVICE**

AND NOW, on March 19, 2018, I, Vickie Williams, hereby certify that I served a copy of the Trustee's Motion to Dismiss, Notice, and Proposed Order either electronically or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, first class mail, postage prepaid, addressed to the following:

JOHN M HYAMS ESQUIRE  
2023 N 2ND STREET, SUITE 203  
HARRISBURG, PA 17102-

BRIAN E. SMELTZ  
18 SCHOOL STREET  
MILLERSTOWN, PA 17062

Respectfully Submitted,  
s/ Vickie Williams  
for Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: dehartstaff@pamd13trustee.com

Dated: March 19, 2018

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.